

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

RALPH TERRY GREER

PLAINTIFF

VS.

CIVIL ACTION NO. 3:11-cv-547-WHB-LRA

LEAKE COUNTY SCHOOL DISTRICT

DEFENDANT

OPINION AND ORDER

This cause is before the Court on the September 23, 2011, Report and Recommendation of United States Magistrate Judge Linda R. Anderson. In her Report, Judge Anderson recommended that the Application to Proceed Without Prepaying Fees or Costs filed by Plaintiff, Ralph Terry Greer ("Greer")<sup>1</sup>, be denied because Greer was not "indigent under the law." In support of this finding, Judge Anderson relied on portions of Greer's pleadings that show that he and his wife receive approximately \$3,600.00 per month; he owns a mortgaged home and other real property valued at \$48,000.00; he owns vehicles valued at \$6,500.00; and his total monthly expenses are approximately \$2,600.00. Although Greer was expressly notified that he had fourteen days in which to file objections to Judge Anderson's Report and Recommendation, no objections were filed.

After reviewing Greer's Application to Proceed Without Prepaying Fees or Costs and Judge Anderson's Report and

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<sup>1</sup> As Greer is proceeding in this case *pro se*, the allegations in his pleadings have been liberally construed. See United States v. Wilkes, 20 F.3d 651, 653 (5th Cir. 1994).

Recommendation regarding that application, the Court agrees with Judge Anderson's finding that Greer has failed to show that he is indigent, and also agrees with Judge Anderson's finding that the filing fee in this case could be paid without undue financial hardship if Greer was granted an extended period of time in which to pay that fee. As such, the Court will adopt Judge Anderson's Report and Recommendation recommending that Greer's Application to Proceed Without Prepaying Fees or Costs be denied, and that he be granted an extended period of time in which to pay the filing fee in this case.

For the foregoing reasons:

IT IS THEREFORE ORDERED that the September 23, 2011, Report and Recommendation of United States Magistrate Judge Linda R. Anderson [Docket No. 5], which recommends the denial of Plaintiff's Application to Proceed Without Prepaying Fees or Costs, and granting Plaintiff an extended period of time in which to pay the filing fee in this case, is hereby adopted as the finding of this Court.

IT IS FURTHER ORDERED that Plaintiff's Application to Proceed Without Prepaying Fees or Costs [Docket No. 2] is hereby denied.

IT IS FURTHER ORDERED that, in accordance with Judge Anderson's Report and Recommendation, Plaintiff is hereby ordered to pay all of the costs associated with the filing of this lawsuit on or before November 14, 2011. Plaintiff is expressly warned that in the event the costs associated with the filing of this lawsuit

are not paid on or before November 14, 2011, this lawsuit will be dismissed, without prejudice, for lack of prosecution and without further notice to him.

SO ORDERED this the 26th day of October, 2011.

s/ William H. Barbour, Jr.  
UNITED STATES DISTRICT JUDGE